

Ref

OPINIONS AND DECLARATIONS RENDERED BY THE INTER- NATIONAL COMMISSION ON ZOOLOGICAL NOMENCLATURE

Edited by

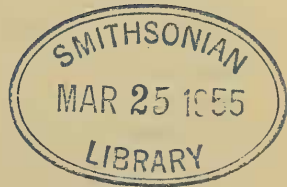
FRANCIS HEMMING, C.M.G., C.B.E.

Secretary to the Commission

VOLUME 9. Part 24. Pp. 321—338

OPINION 330

Validation, under the Plenary Powers, of the generic names *Ligia* Fabricius, 1798 (Class Crustacea, Order Isopoda) and *Carcinus* Leach, 1814 (Class Crustacea, Order Decapoda)



LONDON :

Printed by Order of the International Trust for
Zoological Nomenclature
and

Sold on behalf of the International Commission on Zoological
Nomenclature by the International Trust at its Publications Office
41, Queen's Gate, London, S.W.7
1955

Price Nine Shillings

(All rights reserved)

INTERNATIONAL COMMISSION ON ZOOLOGICAL NOMENCLATURE

COMPOSITION AT THE TIME OF THE ADOPTION OF THE RULING GIVEN IN OPINION 330

A. The Officers of the Commission

Honorary Life President : Dr. Karl Jordan (*British Museum (Natural History),
Zoological Museum, Tring, Herts., England*).

President : (Vacant).

Vice-President : Senhor Dr. Afranio do Amaral (*Sao Paulo, Brazil*).

Secretary : Mr. Francis Hemming (*London, England*).

B. The Members of the Commission

(*arranged in order of precedence by reference to date of election or of most recent
re-election, as prescribed by the International Congress of Zoology*).

Senhor Dr. Afranio do AMARAL (*S. Paulo, Brazil*) (*Vice-President*) (1st January 1944).

Professor J. R. DYMOND (*University of Toronto, Toronto, Canada*) (1st January 1944).

Professor J. Chester BRADLEY (*Cornell University, Ithaca, N.Y., U.S.A.*) (28th March 1944).

Professor Harold E. VOKES (*Johns Hopkins University, Baltimore, Maryland, U.S.A.*) (23rd April 1944).

Dr. William Thomas CALMAN (*Coulsdon, Surrey, England*) (1st January 1947).

Professor Béla HANKÓ (*Békéscsaba, Hungary*) (1st January 1947).

Dr. Norman R. STOLL (*Rockefeller Institute for Medical Research, New York, N.Y., U.S.A.*) (1st January 1947).

Professor H. BOSCHMA (*Rijksmuseum van Natuurlijke Historie, Leiden, The Netherlands*) (1st January 1947).

Senor Dr. Angel CABRERA (*Eva Peron, F.C.N.G.R., Argentina*) (27th July 1948)

Mr. Francis HEMMING (*London, England*) (*Secretary*) (27th July 1948).

Dr. Joseph PEARSON (*Tasmanian Museum, Hobart, Tasmania, Australia*) (27th July 1948).

Dr. Henning LEMCHE (*Universitetets Zoologiske Museum, Copenhagen, Denmark*) (27th July 1948).

Professor Teiso ESAKI (*Kyushu University, Fukuoka, Japan*) (17th April 1950).

Professor Pierre BONNET (*Université de Toulouse, France*) (9th June 1950).

Mr. Norman Denbigh RILEY (*British Museum (Natural History), London*) (9th June 1950).

Professor Tadeusz JACZEWSKI (*Department of Systematic Zoology, Warsaw University, Warsaw, Poland*) (15th June 1950).

Professor Robert MERTENS (*Natur-Museum u. Forschungs-Institut Senckenberg, Frankfurt a. M., Germany*) (5th July 1950).

Professor Erich Martin HERING (*Zoologisches Museum der Humboldt-Universität zu Berlin, Germany*) (5th July 1950).

OPINION 330

VALIDATION, UNDER THE PLENARY POWERS, OF THE GENERIC NAMES "LIGIA" FABRICIUS, 1798 (CLASS CRUSTACEA, ORDER ISOPODA), AND "CARCINUS" LEACH, 1814 (CLASS CRUSTACEA, ORDER DECAPODA)

RULING :—(1) Under the Plenary Powers, (a) the under-mentioned generic names are hereby suppressed both for the purposes of the Law of Priority and for those of the Law of Homonymy :—(i) *Ligia* Weber, 1795, (ii) *Carcinus* Latreille, 1796, and (b) the under-mentioned generic names are hereby validated :—(i) *Ligia* Fabricius, 1798, (ii) *Carcinus* Leach, 1814.

(2) The under-mentioned generic names are hereby placed on the *Official List of Generic Names in Zoology* as Name Nos. 797 and 798 respectively :—(a) *Ligia* Fabricius, 1798 (gender : feminine) (type species, by selection by Latreille (1810) : *Oniscus oceanicus* Linnaeus, 1767) ; (b) *Carcinus* Leach, 1814 (gender : masculine) (type species, by monotypy : *Cancer maenas* Linnaeus, 1758).

(3) The under-mentioned specific names are hereby placed on the *Official List of Specific Names in Zoology* as Name Nos. 236 and 237 respectively :—(a) *maenas* Linnaeus, 1758, as published in the combination *Cancer maenas* (specific name of type species of *Carcinus* Leach, 1814) ; (b) *oceanicus* Linnaeus, 1767, as published in the combination *Oniscus oceanicus* (specific name of type species of *Ligia* Fabricius, 1798).

(4) The under-mentioned generic names are hereby placed on the *Official Index of Rejected and Invalid Generic Names in Zoology* as Name Nos. 207 to 209

respectively :—(a) *Ligia* Weber, 1795 (as suppressed, under the Plenary Powers, under (1)(a)(i) above); (b) *Carcinus* Latreille, 1796 (as suppressed, under the Plenary Powers, under (1)(a)(ii) above); (c) *Carcinides* Rathbun, 1897 (a junior objective synonym of *Carcinus* Leach, 1814).

I.—THE STATEMENT OF THE CASE

On 11th January 1946, Miss A. M. Buitendijk and Dr. L. B. Holthuis (*Rijksmuseum van Natuurlijke Historie, Leiden, The Netherlands*) submitted to the Commission (through Professor H. Boschma, Director of the Museum) an application for the use of the Plenary Powers for the purpose of providing a valid basis for the use of the name *Ligia* Fabricius, 1798, as against its senior homonym *Ligia* Weber, 1795. For the reasons explained in paragraph 4 below it was necessary later to revise and expand this application in certain respects. The application so revised was as follows :—

Proposed validation, under the Plenary Powers, of the generic names
 “*Ligia*” Fabricius, 1798 (Class Crustacea, Order Isopoda) and
 “*Carcinus*” Leach, 1814 (Class Crustacea, Order Decapoda)

By ALIDA M. BUITENDIJK and L. B. HOLTHUIS
 (*Rijksmuseum van Natuurlijke Historie, Leiden, The Netherlands*)

The object of the present application is to secure authority from the International Commission on Zoological Nomenclature for the continued use of the well-known generic names *Ligia* Fabricius, 1798 (Class Crustacea, Order Isopoda) and *Carcinus* Leach, 1814 (Class Crustacea, Order Decapoda) in their accustomed sense.

2. Rathbun pointed out in 1904 (*Proc. biol. Soc. Wash.* **17** : 172), that the generic name *Ligia* Weber, 1795 (*Nomencl. ent.* : 92

preoccupies, and therefore renders invalid, the generic name *Ligia* Fabricius, 1798 (*Suppl. Ent. syst.* : 296, 301). Weber in his list of names—he gave no descriptions—was the first author to publish the name *Ligia*. In using this name, he cited with it the name *Cancer*, which he placed in brackets (parentheses), to indicate that the species placed by him in the genus *Ligia* were referred by Fabricius to the genus *Cancer* Linnaeus. Under the generic name *Ligia*, Weber cited three specific names, namely *Ligia inflexa*, *Ligia 3-cuspidata* and *Ligia granaria*. The first two of these specific names were at that time *nomina nuda*, but the trivial name (*granaria*) comprised in the third of these names had already been published, in the binominal combination *Cancer granarius*, by Herbst in 1783 (*Versuch einer Naturgeschichte der Krabben und Krebse* 1 : 107, pl. 2, fig. 28); this name had been referred to also by Fabricius in 1793 (*Ent syst.* 2 : 442). We see therefore that at the time when Weber first published the generic name *Ligia*, he cited under that name the trivial name of only one previously described and named species, viz. *Cancer granarius* Herbst, 1783. That species is therefore the type species of the genus *Ligia* Weber, 1795, by monotypy.

3. The nominal species *Cancer granarius* Herbst, 1783, was based upon the “langwerpig-vierkante Zee-Krabbe” of Slabber (1769—1778, *Naturkuundige Verlustigingen* : 159, pl. 18, Fig. 1), since Herbst’s figure is a copy of that given by Slabber, and his description of this species is an abbreviated translation of Slabber’s Dutch text. It is now known that Slabber’s “species” (and therefore Herbst’s) is merely the megalopa stage of the common shore crab *Carcinus maenas* (Linnaeus, 1758) (= *Cancer maenas* Linnaeus, 1758, *Syst. Nat.* (ed. 10) 1 : 627). From the taxonomic standpoint, the genus *Ligia* Weber, 1795, is identical with the genus *Carcinus* Leach, 1814, and accordingly the name *Carcinus* Leach is a subjective junior synonym of, and falls to, the name *Ligia* Weber. After Weber (1795) the generic name *Ligia* was never used for a genus of Brachyura. On the other hand the generic name *Carcinus* came into general use for the extremely common shore crab (*Carcinus maenas* Linnaeus) from the coasts of the North Atlantic.

4. The name *Ligia* Fabricius, 1798, was published by that author for a genus of Isopods, represented by *Oniscus oceanicus* Linnaeus, 1767 (*Syst. Nat.* (ed. 12) 1 : 1061), which was selected as the type species of this genus by Latreille in 1810 (*Consid. gén. Anim. Crust. Arach. Ins.* : 423). It has ever since been generally used by authors in this sense up to the time of the publication of Rathbun’s paper in 1904. Since then, it has been discarded by some American authors in favour of the name *Ligyda* Rafinesque, 1815 (*Analyse Nature* : 101). This name is quite unfamiliar to European authors, while at least one American author (W. G. van Name), who for a time used this name, later (1936) reverted to the name *Ligia* Fabricius in his monographic work, “The American

Land and Fresh-water Isopod Crustacea" (*Bull. Amer. Mus. nat. Hist.* 71).

5. In the light of the considerations advanced above, it is considered most advisable—in view of the enormous confusion which otherwise is inevitable—that the Commission should suppress, under its Plenary Powers, the generic name *Ligia* Weber, 1795, and should validate the generic name *Ligia* Fabricius, 1798, with *Oniscus oceanicus* Linnaeus, 1767, as its type species (by subsequent selection by Latreille (1810)) and should place this name, so validated, on the *Official List of Generic Names in Zoology*.

6. The adoption of the foregoing proposal, by eliminating the name *Ligia* Weber, 1795, will serve the further important purpose of removing one of the two causes which at present invalidate the well-known and still commonly used generic name *Carcinus* Leach, 1814 (in Brewster's *Edinburgh Ency.* 7 : 390) (type species, by monotypy : *Cancer maenas* Linnaeus, 1758). Before, however, the name *Carcinus* Leach could become the valid generic name for the common shore crab, it would be necessary for the Commission to use its Plenary Powers to suppress the earlier name *Carcinus* Latreille, 1796 (*Précis Caract. génér. Ins.* : 197), which, as pointed out by Rathbun in 1897 (*Proc. biol. Soc. Wash.* 11 : 164), at present makes Leach's generic name *Carcinus* an invalid junior homonym. On the authority of Stebbing (1888, *Rep. Voy. Challenger*, Zool. 29 : 1669), we may conclude that the genus *Carcinus* Latreille, in the original description of which no species was cited by name, is synonymous with *Gammarus* Fabricius, 1775 (*Syst. Ent.* : 418), and thus belongs to the Amphipoda. The name *Carcinus* Latreille has never been used by any subsequent author, and its suppression under the Plenary Powers would therefore encounter no difficulty whatever.

7. Rathbun's re-discovery (1897) of the long-neglected name *Carcinus* Latreille, 1796, and, more particularly, her substitution (1897) of the new generic name *Carcinides* Rathbun for the generic name *Carcinus* Leach for the common shore crab, led to a break in the uniformity of the practice of carcinologists in naming the common shore crab ; some authors (e.g., Pesta ; Monod) followed Rathbun in discarding the name *Carcinus* Leach in favour of the name *Carcinides* Rathbun, 1897 ; while others (e.g., Bouvier, Lebour, Gurney, Balas) continued to use the name *Carcinus* Leach, notwithstanding the fact that, as rightly pointed out by Rathbun, this name is invalid. That, in spite of this, the name *Carcinus* Leach has continued to be used by the great majority of carcinologists—only a few using the name *Carcinides*—is striking evidence of the general reluctance to abandon the use of this name.

8. In order to prevent the great confusion which would follow the strict application of the *Règles* in the present case, and to put an end to such confusion as has already arisen through the adoption by a limited number of workers, of the changes recommended by Rathbun, we ask the International Commission on Zoological Nomenclature :

(1) to use its Plenary Powers :—

(a) to suppress the under-mentioned generic names both for the purposes of the Law of Priority and for those of the Law of Homonymy :—

(i) *Ligia* Weber, 1795 ;

(ii) *Carcinus* Latreille, 1796 ;

(b) to validate the under-mentioned generic names :—

(i) *Ligia* Fabricius, 1798 ;

(ii) *Carcinus* Leach, 1814 ;

(2) to place the under-mentioned generic names on the *Official List of Generic Names in Zoology*, with the type species severally specified below :—

(a) *Ligia* Fabricius, 1798 (type species, by selection by Latreille, 1810 : *Oniscus oceanicus* Linnaeus, 1767) (gender of generic name : feminine) ;

(b) *Carcinus* Leach, 1814 (type species, by monotypy : *Cancer maenas* Linnaeus, 1758) (gender of generic name : masculine) ;

(3) to place the under-mentioned generic names, proposed in (1)(a) above to be suppressed under the Plenary Powers, on the *Official Index of Rejected and Invalid Generic Names in Zoology* :—

(a) *Ligia* Weber, 1795 (suppressed under (1)(a)(i) above) ;

(b) *Carcinus* Latreille, 1796 (suppressed under (1)(a)(ii) above) ;

(c) *Carcinides* Rathbun, 1897 (an objective synonym of *Carcinus* Leach, 1814) ;

(4) to place the under-mentioned trivial names on the *Official List of Specific Trivial Names in Zoology* :—

(a) *maenas* Linnaeus, 1758, as published in the binominal combination *Cancer maenas* ;

(b) *oceanicus* Linnaeus, 1767, as published in the binominal combination *Oniscus oceanicus*.

II.—THE SUBSEQUENT HISTORY OF THE CASE

2. Registration of the present application : On the receipt of the application prepared by Miss Buitendijk and Dr. Holthuis, the problem of the status to be accorded to the generic name *Ligia* Fabricius, 1798, was allotted the Registered Number Z.N.(S.) 209.

3. Application subsequently submitted independently by Dr. Poul Heegaard (then of the University of Copenhagen, Denmark) : On 29th March 1949 Dr. Poul Heegaard (then of the *University of Copenhagen*) submitted to the Commission (through Dr. Henning Lemche, the Danish Member of the Commission) an application relating to the name *Ligia* Fabricius, 1798, which he had prepared without knowing that this question had already been placed before the Commission by Miss Buitendijk and Dr. Holthuis. On being informed of this earlier application, Dr. Heegaard intimated his desire to withdraw his own application on this subject and to replace it with a note supporting the Buitendijk/Holthuis application. The note of support so submitted by Dr. Heegaard (under cover of a letter dated 24th November 1950) was as follows :—

In March 1949, I submitted to the International Commission on Zoological Nomenclature an application that it should use its Plenary Powers in order to prevent the confusion which would be inevitable if the *Règles* were to be strictly applied to the generic name *Ligia*, in view of the fact that the name *Ligia* Fabricius, 1798, is an invalid junior homonym of the name *Ligia* Weber, 1795, for this would mean that the name *Ligia* which for 150 years has been almost universally applied to an extremely well-known genus of Isopods, could no longer be applied in this way.

I have been informed by the Secretary to the International Commission that in January 1946, the Commission received an identical application from Dr. A. M. Buitendijk and Dr. L. B. Holthuis, of the Rijksmuseum van Natuurlijke Historie, Leyden, and that this application will be published as soon as possible in the *Bulletin of Zoological Nomenclature*, with a view to an early decision being taken by the International Commission on this important question. The Secretary to the Commission has communicated to me a copy of the joint application prepared by Dr. Buitendijk and Dr. Holthuis, with which

I find myself in complete agreement. Accordingly, instead of myself submitting an application on this case, I desire fully to associate myself with, and to support, the joint application referred to above.

4. Revision of the application submitted by Miss Buitendijk and Dr. Holthuis : Correspondence took place between the Secretary and Miss Buitendijk in 1946, and between the Secretary and Dr. Holthuis in 1950 on the form and scope of the application to be submitted to the Commission, the object of this correspondence being, partly, to ensure that the application should cover all aspects of the case and, partly, that it should comply with the requirements prescribed by the Thirteenth International Congress of Zoology, Paris, 1948, in regard to the placing of names on *Official Lists* and *Official Indexes*. The application so revised was submitted to the Commission on 24th November 1950.¹

5. Publication of the present application : The present application and Dr. Heegaard's statement of support were sent to the printer in December 1950 and were published on 20th April 1951 in Part 4 of volume 2 of the *Bulletin of Zoological Nomenclature* (Buitendijk and Holthuis, 1951, *Bull. zool. Nomencl.* 2 : 99—101 ; Heegaard, 1951, *ibid.* 2 : 102).¹

6. Issue of Public Notices : Under the revised arrangements prescribed by the Thirteenth International Congress of Zoology, Paris, 1948 (1950, *Bull. zool. Nomencl.* 4 : 50—56), Public Notice of the possible use by the International Commission on Zoological Nomenclature in the present case was given on 20th April 1951, both in Part 4 of volume 2 of the *Bulletin of Zoological Nomenclature* (the Part in which the present application was published) and also to the other prescribed serial publications.

7. Comments received : The publication of the present application in the *Bulletin* and the concurrent issue of the Public Notices referred to above elicited comments from the under-mentioned specialists :—(1) A. Vandel (*Toulouse*) ; (2) R. Ph. Dollfus (*Paris*) ; (3) H. Balss (*München*) ; (4) E. Sollaud (*Lyon*) ; (5)

¹ For the application so revised see paragraph 1 of the present *Opinion*.

R. Zariquiey (*Barcelona*) ; (6) C. H. Blake (*Cambridge, Mass.*) ; (7) H. Strouhal (*Vienna*) ; (8) Miss I. Gordon (*London*). The communications so received are reproduced in the immediately following paragraphs.

8. Support received from Professor A. Vandel (Laboratoire de Zoologie, Université de Toulouse, France) : On 6th June 1951 Professor A. Vandel (*Laboratoire de Zoologie, Université de Toulouse, France*) addressed a letter to the Commission dealing, *inter alia*, with the present application, commenting on it as follows (Vandel, 1951, *Bull. zool. Nomencl.* **2** : 345) :—

Ligia. Entièrement d'accord avec feu Mlle. A. M. Buitendijk et M. L. B. Holthuis, et Paul Heegaard.—Il conviendrait seulement d'ajouter que cette question de nomenclature avait été déjà très nettement exposé et résolué dans le même sens par Fr. Dahl (1916, *Die Asseln oder Isopoden Deutschlands*, Jena : 32).

9. Comment received from Professor R. Ph. Dollfus (Muséum National d'Histoire Naturelle, Paris) : On 25th June 1951, Professor R. Ph. Dollfus (*Muséum National d'Histoire Naturelle, Paris*) addressed a letter to the Commission commenting upon a number of recently published applications. The portion of Professor Dollfus' letter relating to the present application was as follows :—

Je suis partisan de valider *Ligia* Fabricius, 1798 (type : *oceanica*).
Je suis partisan de valider *Carcinides* Rathbun, 1897 (type : *maenas*).

10. Support received from Dr. Heinrich Balss (Hauptkonservator der Zoologischen Staatssammlung, München, Germany) : On 6th July 1951, Dr. Heinrich Balss (*Hauptkonservator der Zoologischen Staatssammlung, München, Germany*) addressed the following letter to the Commission intimating his support for the present and certain other recently published applications (Balss, 1951, *Bull. zool. Nomencl.* **2** : 344) :—

Mr. L. B. Holthuis hat mir eine Reihe von Anträgen an die internationale Nomenklaturkommission zugesandt (Commission's

references Z.N.(S.) 231 (*Crangon*), 209 (*Ligia*), 473 (*Scyllarides*), 474 (*Lysiosquilla*), 475 (*Odontodactylus*).

Ich erlaube mir, Ihnen mitzuteilen, dass ich mit allen seinen Vorschlägen einverstanden bin.

11. Support received from Professor E. Sollaud (Université de Lyon, Faculté des Sciences, Lyon) : On 11th July 1951 Professor E. Sollaud (*Université de Lyon, Faculté des Sciences, Lyon*) addressed the following letter in support of the present and other recently published applications (Sollaud, 1951, *Bull. zool. Nomencl.* 2 : 344) :—

Je reçois de mon collègue et ami Mr. Holthuis, du Museum de Leide, cinq notes relative à des propositions faites à l'International Commission on Zoological Nomenclature au sujet d'un certain nombre de noms de genres de Crustacés (Commission's references Z.N.(S.) 231 (*Crangon*), 209 (*Ligia*), 473 (*Scyllarides*), 474 (*Lysiosquilla*), 475 (*Odontodactylus*)).

Je vous informe que, après avoir lu attentivement ces notes, j'approuve entièrement les propositions de Mr. Holthuis. J'estime qu'une application rigoureuse, en toutes circonstances, du loi de priorité conduirait à d'inextricables confusions et, bien loin de servir notre science, lui serait tres préjudiciable. Il est impossible d'abandonner de noms tels que *Ligia*, *Crangon*, *Alpheus*, . . ., qui sont passés dans le langage courant, et votre Commission fera oeuvre bien utile en freinant l'ardeur des "puristes" de la Priorité.

12. Support received from Dr. Ricardo Zariquiey (Enfermedades de la Infancia, Barcelona, Spain) : On 25th July 1951 Dr. Ricardo Zariquiey (*Enfermedades de la Infancia, Barcelona, Spain*) wrote the following letter to the Commission supporting this and certain other applications which had then recently been published (Zariquiey, 1951, *Bull. zool. Nomencl.* 6 : 72) :—

Estudiadas detenidamente las propuestas Z.N.(S.) 231 sobre el uso de los nombres genéricos *Crangon* Fabricius, 1798, y *Alpheus* Fabricius, 1798, la Z.N.(S.) 209 sobre el uso del nombre genérico *Carcinus* Leach, 1814, y la Z.N.(S.) 473 sobre el nombre genérico *Scyllarides* Gill, 1898, debo manifestarle que estoy de acuerdo con las conclusiones de las mismas y que Voto "SI" a lo quo propone el Dr. L. B. Holhtuis, ponente de las mismas.

13. View submitted by Professor Charles H. Blake (Massachusetts Institute of Technology, Department of Biology, Cambridge, Mass., U.S.A.) : In the following letter dated 8th August 1951 Professor Charles H. Blake (*Massachusetts Institute of Technology, Department of Biology, Cambridge, Mass., U.S.A.*) discussed the case of the name *Ligia* Fabricius, 1798, and compared it with that of *Crangon* Fabricius, 1798,² and *Tylos* Meigen, 1800³ (Blake, 1952, *Bull. zool. Nomencl.* 6 : 182—183) :—

Comments on the applications relating to the names “Crangon” Fabricius, 1798, and “Ligia” Fabricius, 1798 (Class Crustacea, Order Decapoda) submitted by Dr. L. B. Holthuis, and on the application relating to the name “Tylos” Meigen, 1800 (Class Insecta, Order Diptera) submitted by Professor Martin L. Aczél

By CHARLES H. BLAKE

(*Massachusetts Institute of Technology, Department of Biology, Cambridge, Mass., U.S.A.*)

I should like to make comments on three nomenclatorial cases which are pending. They bear the file numbers (Z.N.(S.) 231, 209 and 501). The first two cases bear on the acceptability of the infamous Weber publication.

2. In 1904 the International Commission regarded Weber's work as legally published in spite of the fact that for more than a century it had not been regarded by most authors as legitimately, that is ethically, published. There seems to be no doubt that Weber was, in fact, a sort of zoological pirate. The question as to whether Fabricius deliberately crossed Weber up in 1798 when he himself published his own names is not important. The difficulty seems to arise from the fact that the Commission in 1904 took a strictly legalistic view of the matter, and from that point of view their decision is correct ; but they failed to take into account two things : (1) that the non-use of Weber's names had in fact established an unwritten precedent, and (2) that, based on the maxim *stare decisis*, the Commission would have been better

² The case of *Crangon* Fabricius, 1798, has now been the subject of a decision by the Commission, which has been embodied in *Opinion* 334 (1954, *Ops. Decls. int. Comm. zool. Nomencl.* 10 : 1—44).

³ The case of *Tylos* Meigen, 1800, and *Micropeza* Meigen, 1803 (Class Insecta) and *Tylos* (Latreille MS.) Audouin, [1826] (Class Crustacea), has now been the subject of a decision by the Commission, which will shortly be embodied in an *Opinion*.

advised to have followed that use rather than to overthrow it on technical grounds. Zoological nomenclature as a whole has suffered in part from the fact that unwritten and traditional decisions have been either accepted or ignored in a rather uncertain fashion.

3. In a previous letter I mentioned the maxim *stare decisis* I believe, and I take the liberty here of quoting from Baldwin's 1928 edition of Bouvier's *Law Dictionary*, pages 1127—1128 as to the view taken of the maxim in the United States and I would assume that the English view of it would be essentially similar. The maxim may be defined as follows: "When a point has been settled by decision, it forms a precedent which is not afterwards to be departed from". "A court . . . should consider how far its action would affect transactions entered into and acted upon, under the law as it exists; 11 Tex. 455"; "but where a decision relates to the validity of certain modes of transacting business, and a change of decision must necessarily invalidate everything above in the mode prescribed by the former case . . . the maxim becomes imperative . . . 15 Wisc. 691".

4. It must be admitted at this point that the maxim may strike continental European jurists with considerably less force than it has for the Anglo-Saxon jurist. This does not make it any less sound. Turning now to File Z.N.(S.) 231, I would associate myself with Fenner Chace's opinion as to the use of the generic names *Crago* and *Crangon*. Here I mention a point with regard to the objection raised as to the similarity of family names derived from these two generic names. There is a much worse and unavoidable case which nonetheless has caused no confusion. In the beetles we have an occasionally used family name LARIDAE from the genus *Lara*. In birds we have the same family name based on the genus *Larus* and in wasps the family name LARRIDAE based on the generic name *Larra*. Granted these all occur in different orders rather than within the same order. However, nearly identical sub-family names occur in the crustacean family CYTHEREIDAE without causing confusion. Therefore, I hold that the similarity of family names is no bar to the employment of *Crago* and *Crangon*.

5. With reference to File Z.N.(S.) 209, on the basis of usage I think we should certainly accept *Ligia* of Fabricius, 1798, in spite of the fact that the Weber application of *Ligia* is older. Here we might argue that *Ligia* is a genus not much treated by American authors who tend to accent Weber and hence the weight of opinion rests on the Europeans. However, this would mean contravening the decision of the International Commission, while upholding it in the previous case. If this be done, then we have in effect nullification and while nullification is a time-honoured American method of popular legislation, I think it would be unsafe to introduce it into the legislation with

regard to zoological nomenclature. Hence, as regards these two cases, I would like to see the opinion of 1904 stand in spite of the fact that it may appear to cause some confusion. Here, I think, no further confusion will be caused than already exists.

6. Turning now to File Z.N.(S.) 501, the apparent situation is somewhat similar. It would appear that Meigen himself wished to suppress his names of 1800 in favour of those of 1803. And the Commission might, in *Opinion* 28, have been better advised to follow Meigen rather than the letter of the law. However, the instant case *Tylos* versus *Micropeza* is not as simple as some of the other cases may be. There is a genus *Tylos* in the Isopod Crustacea proposed by V. Audouin in 1825. This genus, which is the type genus of the family and the sole genus of the family, has enjoyed uninterrupted use since that time. There exists only one possible synonym due to L. Koch in 1856. In spite of the testimony of von Ebner in 1868, the title of Koch's name to be considered a synonym of *Tylos* is clouded. It has never been employed as an accepted generic name since 1856. We may set then this uninterrupted use of the generic name *Tylos* against the fact that on Aczél's own showing the name was used in the Diptera only occasionally so recently as 1932 and certainly *Micropeza* is fully as well known. Parenthetically, the family name TYLIDAE in the Crustacea dates back at least to 1885 while in the Diptera it dates only from 1931. Therefore, in this case it would seem as though there would be less ultimate confusion if *Tylos* of Meigen were declared ineligible, not on the basis of reversal of *Opinion* 28, but rather on the basis that it comes into conflict with a name in another group which has enjoyed a century and a quarter of uninterrupted use ; use which dates back to the days when Meigen's own wishes with regard to the names of 1800 were followed.

14. Support received from Dr. Hans Strouhal (Naturhistorisches Museum, Zoologische Abteilung, Vienna, Austria) : On 9th October 1951, Dr. Hans Strouhal (*Naturhistorisches Museum, Zoologische Abteilung, Vienna, Austria*) addressed a letter in which, after referring to the application submitted by Miss Buitendijk and Dr. Holthuis (reproduced in paragraph 1 of the present *Opinion*) he associated himself in full with the action recommended by those specialists, for this purpose quoting the Points numbered (1) to (4) in which, in the last paragraph of their application, those authors had summarised the action which they asked the Commission to take (Strouhal, 1952, *Bull. zool.Nomencl.* 6 : 180).

15. Support received from Dr. Isobel Gordon (British Museum (Natural History), London) : In a letter dated 29th October 1951 Dr. Isobel Gordon (*British Museum (Natural History), London*), writing in regard to this and four other applications by Dr. Holthuis which had then recently been published in the *Bulletin* : " I wish to say that I am willing to add my support to all the proposals submitted to the International Commission on Zoological Nomenclature by Dr. L. B. Holthuis " (Gordon, 1952, *Bull. zool. Nomencl.* 6 : 183).

III.—THE DECISION OF THE INTERNATIONAL COMMISSION ON ZOOLOGICAL NOMENCLATURE

16. Issue of Voting Paper V.P.(52)60 : On 22nd May 1952, a Voting Paper (V.P.(52)60) was issued in which the Members of the Commission were invited to vote either for, or against, the proposal " relating to the name *Ligia* Fabricius, 1798, as set out in Points (1) to (4) on page 101 of volume 2 of the *Bulletin of Zoological Nomenclature* " [*i.e.*, in paragraph 8 of the application reproduced in the first paragraph of the present *Opinion*].

17. The Prescribed Voting Period : As the foregoing Voting Paper was issued under the Three-Month Rule, the Prescribed Voting Period closed on 22nd August 1952.

18. Particulars of the Voting on Voting Paper V.P.(52)60 : The state of the voting on Voting Paper V.P.(52)60 at the close of the Prescribed Voting Period was as follows :—

(a) *Affirmative Votes had been given by the following sixteen (16) Commissioners (arranged in the order in which Votes were received) :*

Calman ; Hering ; Dymond ; Hankó ; Bonnet ;
Vokes ; Bradley ; do Amaral ; Hemming ; Esaki ;
Riley ; Lemche ; Mertens ; Pearson ; Stoll ; Boschma ;

(b) *Negative Votes* :

None ;

(c) *Voting Paper not returned by two (2)* :

Cabrera⁴ ; Jaczewski.

19. Declaration of Result of Vote : On 23rd August 1952, Mr. Hemming, Secretary to the International Commission, acting as Returning Officer for the Vote taken on Voting Paper V.P.(52)60, signed a Certificate that the Votes cast were as set out in paragraph 18 above and declaring that the proposal submitted in the foregoing Voting Paper had been duly adopted and that the decision so taken was the decision of the International Commission in the matter aforesaid.

20. Preparation of the Ruling given in the present "Opinion"
On 12th May 1954, Mr. Hemming prepared the Ruling given in the present *Opinion* and at the same time signed a Certificate that the terms of that Ruling were in complete accord with those of the proposal approved by the International Commission in its Vote on Voting Paper V.P.(52)60.

21. The following are the original references for the names placed on the *Official Lists* and *Official Indexes* by the Ruling given in the present *Opinion* :—

Carcinides Rathbun, 1897, *Proc. biol. Soc. Wash.* **11** : 164
Carcinus Latreille, 1796, *Précis caract. génér. Ins.* : 197
Carcinus Leach, 1814, in Brewster's *Edinb. Ency.* **7** : 390
Ligia Weber, 1795, *Nomencl. ent.* : 92
Ligia Fabricius, 1798, *Suppl. Ent. syst.* : 296, 301
maenas, *Cancer*, Linnaeus, 1758, *Syst. Nat.* (ed. 10) **1** : 627
oceanicus, *Oniscus*, Linnaeus, 1767, *Syst. Nat.* (ed. 12) **1(2)** : 1061

⁴ After the close of the Prescribed Voting Period, an affirmative Vote was received (on 1st September, 1952) from Commissioner Cabrera.

22. The following is the reference for the type selection for *Ligia* Fabricius, 1798, specified in the Ruling given in the present *Opinion*:—Latreille, 1810, *Consid. gén. Anim. Crust. Arach. Ins.* : 423, 110.

23. The application dealt with in the present *Opinion* was published in the *Bulletin of Zoological Nomenclature* prior to the establishment of the *Official List of Family-Group Names in Zoology* by the Fourteenth International Congress of Zoology, Copenhagen, 1953. It has not been possible since then to deal with this aspect of the present case. This question is, however, now being examined on a separate File to which the Registered Number Z.N.(G)75 has been allotted.

24. At the time of the adoption of the Ruling given in the present *Opinion*, the expression prescribed for the second portion of the binomen which constitutes the scientific name of a species was the expression "trivial name" and the *Official List* reserved for recording such names was styled the *Official List of Specific Trivial Names in Zoology*, the word "trivial" appearing also in the title of the *Official Index* reserved for recording rejected and invalid names of this category. Under a decision taken by the Fourteenth International Congress of Zoology, Copenhagen, 1953, the expression "specific name" was substituted for the expression "trivial name" and corresponding changes were made in the titles of the *Official List* and *Official Index* of such names (1953, *Copenhagen Decisions zool. Nomencl.* : 21). The changes in terminology so adopted have been incorporated in the Ruling given in the present *Opinion*.

25. The prescribed procedures were duly complied with by the International Commission on Zoological Nomenclature in dealing with the present case, and the present *Opinion* is accordingly hereby rendered in the name of the said International Commission by the under-signed Francis Hemming, Secretary to the International Commission on Zoological Nomenclature, in virtue of all and every the powers conferred upon him in that behalf.

26. The present *Opinion* shall be known as *Opinion* Three Hundred and Thirty (330) of the International Commission on Zoological Nomenclature.

DONE in London, this Twelfth day of May, Nineteen Hundred and Fifty-Four.

*Secretary to the International Commission
on Zoological Nomenclature*

FRANCIS HEMMING